

APPRAISAL OF LEGAL REFORMS IN PUBLIC PROCUREMENT IN NIGERIA: OBSERVANCE AND ENFORCEMENT OF THE PUBLIC PROCUREMENT ACT, 2007

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ABSTRACT

The robust socio-economic development of a country indubitably depends in a significant way on effective legal regulation of practice of public procurement of goods, works and services. Public procurement in essence, entails expenditure of money, scarce resource in a manner determined by a framework of legal rules and regulations to achieve value which promotes manifest development of a country. In the country, Nigeria, the geographical scope of this paper, practice of public procurement of goods, works and services is not yielding the best value for money, inspite of the reforms introduced by the Public Procurement Act 2007, the principal statutory framework for its regulation. The Public Procurement Act, 2007 as

Introduction:

The practice of public procurement is as old as the organized state. The State expends public money to procure goods, works and services via its Ministries, Departments and Agencies (MDAs) to create socio-economic infrastructure for the development of its people. Notably, huge public revenue is used for procurement, and as such, the procurement process is legally regulated to achieve value for money expended. In Nigeria, the legal regulation of the procurement process is carried out through

reformative as it is, exists in the midst of abuses, such as bribery and corruption, inflation of contract sums, over-invoicing and procurement of low quality goods, works and services. There are also abuses in the forms of embezzlement of contract mobilization fees and abandonment of contract works. These abuses and many more that would be mentioned in course of development of the body of this paper, kindle the concern to critically appraise the Nigerian Public Procurement Act, 2007 to evaluate its observance and enforcement in the process of practice of procurement in the public sector. The paper draws data from primary legal source such as the Public Procurement Act, 2007 and depends on academic journal and internet materials for secondary data. In analyzing material data, the paper adopts doctrinal methodology popular for critical evaluation of rules, principles and opinions in legal research. In the end, the paper finds that the extant law for public procurement in the framework of Public Procurement Act, 2007 exists with laudable innovations aimed at ensuring accountability, probity and transparency in the procurement process in Nigeria, but the observance and enforcement of the law is grossly low. Thus, the low observance and enforcement of legal rules and regulations in the procurement process account for the widespread abuses mentioned above. To that extent, the paper recommends strict observance and effective enforcement of rules and principles outlined in the Procurement Act in order to achieve value for money for the promotion of socio-economic well-being of the country.

***Keywords:** Appraising, Reforms, Public procurement, Procurement Act, Observance, Enforcement, Nigeria.*

Procedures outlined in the Public Procurement Act, [2007. This Act introduced lofty reforms to achieve transparency, fairness and accountability in the procurement process, yet procurement practice is still being compromised by avoidable abuses such as award of fake contracts; inflation of contract sums, supply of poor quality goods, works and services. This paper therefore, focuses on the appraisal of the

Public Procurement Act, 2007 with the aim of looking at the level of observance and enforcement of reforms introduced by the Act to minimize abuses of the procurement process.

OBJECTIVES OF THE PAPER

The objectives of this paper are:

- (i) To appraise the legal reforms under the Public Procurement Act, 2007.
- (ii) To determine the level of observance and enforcement of the legal reforms in the procurement process under the Procurement Act, 2007 in Nigeria.

METHODOLOGY

This entails the specific methods, procedural approaches or techniques adopted in identifying, selecting, processing and evaluating data regarding a research topic. (libguides.wits.ac.za). Thus, this paper adopts doctrinal approach, a non-statistical method to appraise the Public Procurement Act, 2007 in a bid to measure the level of observance and enforcement of the reforms under the Act in the procurement process in Nigeria. The choice of doctrinal approach for this paper becomes necessary, since it aids the paper to analyze relevant legal doctrines, principles and rules with respect to practice of public procurement. Besides, the paper depends on provisions of statutes and materials from books, journals and internet in the analysis of its thematic issues.

PUBLIC PROCUREMENT

From the estimation of African Development Bank (AFDB), public procurement accounts for as much as 70% of the budgets of Africa governments. (PPDC, www.procurementmointor.org). This estimation explains why public procurement of goods, works or services is a critical activity in the life and development of any state or organization. In the public sector which involves formal institutions or agencies of government either at federal or state level, procurement is a key but controversial issue

hugely regulated by law. Procurement done in the interest of public development is commonly described as public procurement. Public entails the generality of the citizenry of a state. Thus, public procurement according to the World Bank's (1995) explanation cited by Aigheyisi and Edore (2015) is:

The use of public funds by the government through its ministries, departments and agencies, on behalf of its citizens, for the acquisition of goods, services and works with the quality, and/or right quantity, at the best possible price, from the place or source (contractors, suppliers and service providers), and for the right purpose using the best method(s) and in line with laid down rules and regulations, following due process.

From the above explanation, it is clear that public procurement is a mechanism used to acquire goods, works and services under a legally regulated procedure for the development of the state. Public procurement has also been referred to as "the complete process of acquiring or obtaining materials, services, or property from outside a government, government agency, ministry, department or extra-ministerial department". (PPDC, www.procurementmonitor.org). It involves purchasing, contracting and in some cases, negotiating with the suppliers. (PPDC, www.procurementmonitor.org). As can be seen above, the word, purchasing may be used interchangeably to mean procurement. Though purchasing and procurement may be used to portray a single line of thought which involves the lawful activity of buying goods, things or services for the state or an organization, the term, procurement has been noted "to be more encompassing than purchasing traditionally described." (PPDC, www.procurementmointor.org).

To this end, it is pertinent to state that the statutory definition given to public procurement under section 60 of Procurement Act, 2007 is desirable, and the definition to that extent, is herein adopted. Section 60 of the Act mentioned above, defines public procurement to mean "the acquisition by any means of goods, works or services by the government. This definition is adopted and contextualized because it implies procurement by government in the interest of the public which is of

concern to this paper. However, the phrase: “acquisition by any means” appearing in the statutory definition stands out to be too wide and uncertain; as if procurement through unlawful means is permissible. It needs be stated that means of acquisition of goods, works and services that may be contemplated should be formal and lawful and in accordance with acquisition procedure under the Procurement Act, 2007; otherwise means of procurement would be haphazard and out the legal order.

Furthermore, Government of Nigeria engages in procurement through procuring entities. These entities have also been inclusively defined as public body; ministry, extra ministerial office, government agency, parastatal and corporation engaged in public procurement. (Section 60 of the Public Act, 2007). Public procurement entities acquire three broad types of items namely, goods, works and services as defined under section 60 of the Public Procurement Act, 2007. Thus, goods, works and services under section 60 of the Act cited above are ascribed the following meanings: **Goods** means: The objects of every kind and description including raw materials, products and equipment and objects in solid, liquid or gaseous form and electricity as well as services incidental to the supply of the goods. **Services** on the other hand, means: the rendering by a contractor or supplier of his time and effort and include any object of procurement other than goods, works or construction; while **works** means: All works associated with the construction, reconstruction, demolition, repair or renovation of a building, structure or works, such as site preparation, excavation, erection, building, installation of equipment or materials, decoration and finishing, as well as services incidental to construction such as drilling, mapping, satellite photography, seismic investigation and similar services provided pursuant to the procurement of contract, where the value of those services does not exceed that of the construction itself.

It is to be noted that the goods, works and services defined above, are so defined to exclude “special goods, works and services” applicable to national defence or national security. Thus, special purpose goods means: Any objects of armaments, ammunition, mechanical, electrical equipment

or other thing as may be determined by the President needed by the Armed Forces or Police Force as well as the services incidental to the supply of the objects. (Section 60 of the Public Procurement Act, 2007). The Public Procurement Act, 2007 is therefore, limited in application regarding procurement of special purpose goods meant for national defence or security. The Act can only apply to such procurement with presidential approval. (Section 15(2) of the Public Procurement Act, 2007). The point is that such presidential approval may introduce executive directive which could modify and compromise application of the Public Procurement Act, 2007 in the process of acquisition of goods for national defence. It is stated that the exclusion of application of the open and transparent procurement procedure of the Public Procurement Act, 2007 in the procurement of goods for national security is understandable, if it is to meet military flexibility and exigency; maintain a principled stance on non-disclosure of procurement of goods meant for promotion of national security and avoid compromise of military intelligence in the interest of national defence. The thought however, is that the exemption of procurement of military equipment from the regulatory purview of the Public Procurement Act, 2007 without any mention of a specific and applicable law to that effect, may open a leeway for corruption and abuses in the process of procurement of goods for national security. In all, public procurement whether for general or special purpose goods needs to be done under a clear law to achieve transparency, accountability and best value for money; and in a manner that makes for sustainable procurement for development of the state. Besides, sustainable public procurement has been explained as:

A process whereby organizations meet their needs for goods, works, services and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organization, but also to society and the economy, whilst minimizing damage to the environment. (EURODAD, 2012 cited in Aigheyisi and Edore, 2015).

Indeed, sustainable public procurement explained above is what is desired for real progress in the society. Hence, sustainability in public procurement

can only be achieved through a definite and clear legal framework that is well focused to present a bulwark against abusive practices likely to rubbush the very essence of public procurement. To this end, the Nigerian Public Procurement Act, 2007 is proposed to be substantially discussed.

BACKGROUND TO THE PUBLIC PROCUREMENT ACT, 2007.

During the period before the year, 2007 regulation of contract works in Nigeria was done without compliance with a specific and clear-cut statute. This fact is made clear by the assertion of Jacob (2010) cited by Santos that: Prior to 2007 regulation of award of contracts was difficult as there was no direct statutory provision for it in Nigeria and the result is that the award of contract becomes a means by which the government and the ruling elites reward their friends and cronies and by which they too amass wealth. (<https://www.projecttopics.org/the-impact-of-public-procurment-act>).

As can be observed from the assertion above, corruption was rife in the public procurement process in Nigeria even during the military era; as there was no statutory framework to regulate acquisition of goods and procurement of works in the country. Ekpu (2020) affirms the fact of corruption in the procurement process when he noted that “the military suspended our constitution, bound our courts hands and feet... awarded all kinds of fake contracts on toilet paper; made corruption a fashion item”. In effort to curb corruption, sanitize and regulate procurement process, the Government of Nigeria after military rule and during the civil rule in 1999 commissioned the World Bank to make a nationwide survey of public corruption. Hence, the World Bank surveyed and reported that:

The greatest amount of financial corruption resides in national procurement systems, and generally, as much as 20-60 percent of public spending on procurement is lost due to leakages and malpractices in developing countries. (World Bank cited by Aigheyisi and Edore, 2015).

From the assessment of the World Bank and Country Procurement Assessment Report (CPAR), 2000 which identified corruption as the bane of public procurement, the Federal Government of Nigeria took a step to fight the problem of corruption in the public procurement process. An

executive bill was therefore, forwarded to the National Assembly for the enactment of a statutory framework entitled, Public Procurement Act, 2007 as a reaction against widespread corruption in the public procurement sector. The Public Procurement Act, 2007 as can be observed from its long title actually aims at harmonization of existing government policies and practices by regulating, setting standards and developing the legal framework and professional capacity for public procurement in Nigeria. To that extent, the Act is unarguably a major instrument of legal reforms in the public procurement process.

LEGAL REFORMS UNDER THE PUBLIC PROCUREMENT ACT, 2007.

The Public Procurement Act, 2007 is a piece of federal legislation which came into force on 4th June, 2007 with significant reforms to regulate the practice of public procurement in Nigeria. Some of the reforms under the Act are earmarked for discussion as follows:

1. Establishment of Regulatory Bodies for Public Procurement

The Act established the following regulatory bodies for regulation of public procurement.

1. National Council on Public Procurement

The Public Procurement Act, 2007 introduced significant innovation in the regulation and conduct of public procurement in Nigeria by establishing the “National Council on Public Procurement” under section 1 (1) of the Act. The National Council on Public Procurement statutorily referred to as “the Council” under section 1 (1) of the Public Procurement Act, 2007 is to be constituted with 15 members; among who is the Minister of Finance. The Minister is recognized as Chairman of the Council under section 1 (2) (a) of the Act. The President of Nigeria is empowered to appoint members into the Council. By virtue of section 2 (a)-(f) of the Public Procurement Act, 2007 the Council is to perform the following functions:

- (i) Consider, approve and amend the monetary and prior review thresholds for the application of the provisions of the Act by procuring entities.
- (ii) Consider and approve policies on public procurement.
- (iii) Approve the appointment of the Director of the Bureau of Public Procurement.
- (iv) Receive and consider, for approval, the audited accounts of the Bureau of Public Procurement.
- (v) Approve changes in the procurement process to adapt to improvements in modern technology.
- (vi) Give such other directives and perform such other functions as may be necessary to achieve the objectives of the Public Procurement Act

It is to be noted that the functions of the Council as stated above, are inclusive, as it can perform any other incidental duty necessary to fulfill the objectives of the Public Procurement Act, 2007. Incidentally, this Council has not been constituted to perform lofty functions outlined above. Thus, the non-constitution of the National Council on Public Procurement by the President of the Federal Republic of Nigeria is not affording administrative check and balance in the procurement process in Nigeria. The Council exists only in the letters of the Public Procurement Act, 2007 as at now, since it has not been constituted. Its physical presence is not felt. Its absence therefore, shows that a critical link is missing in the procurement process. Perhaps, the Council not being in physical existence for effective regulation is the reason why corruption is rife in the public procurement process in Nigeria.

The Council under section 2 (d) of the Public Procurement Act, 2007 suppose to receive, consider an approve audited accounts of the Bureau of Public Procurement; and by so doing, check financial corruption. Now that the Council is not constituted, the agency of government playing its critical role of considering and

approving audited accounts, among others, is not statutorily known. There is no doubt that the non-constitution of the Council amounts to non-compliance with, non-implementation of the Public Procurement Act, 2007 in the public procurement system in Nigeria.

(b) Bureau of Public Procurement

Another significant reform under the Public Procurement Act, 2007 is the establishment of the Bureau of Public Procurement under S. 3 (1) of the Act. The Bureau is clothed with legal personality and it is indeed, a body corporate, a legal entity with legal capacity to sue or be sued in its own name under S. 3 (2) (a) (b) of the Public Procurement Act, 2007. Objectives of the Bureau under section 4 of the Public Procurement Act, 2007 are as follows:

- (i) Harmonization of existing government policies and practices on Public Procurement and ensuring probity, accountability and transparency in the procurement process.
- (ii) Establishment of pricing standards and benchmarks.
- (iii) Ensuring the application of fair competitive, transparent, monetary standards and practices for the procurement and disposal of public assets and services.
- (iv) Attainment of transparency, competitiveness cost effectiveness and professionalism in the public sector procurement system.

There is no gain-saying that the objectives of the Bureau are lofty and they are to be pursued for the achievement of best value for money spent in the procurement process. To achieve these objectives, the Bureau is empowered under section 5 of the Public Procurement Act, 2007 to perform the following functions:

- (i) Formulate the general policies and guidelines relating to public sector procurement for the approval of the Council.
- (ii) Publicize and explain the provision of this Act.
- (iii) Certify Federal procurement prior to the award of contract according to the thresholds as may be set by the Council,
- (iv) Supervise the implementation of established procurement policies.

- (v) Monitor the prices of tendered items and keep a national database of standard prices
- (vi) Publish the details of major contracts in the procurement journal.
- (vii) Public paper and electronic editions of the procurement journal and maintain an archival system for the procurement journal.
- (viii) Maintain a national database of the particulars and classification and categorization of federal contractors and service providers.
- (ix) Collate and maintain in an archival system, all federal procurement plans and information
- (x) Undertake procurement research and surveys.
- (xi) Organize training and development programmes for procurement professionals.
- (xii) Periodically review the socio-economic effect of the policies on procurement and advise the Council accordingly.
- (xiii) Prepare and update standard bidding and contract documents
- (xiv) Prevent fraudulent and unfair procurement and where necessary apply administrative sanctions
- (xv) Review the procurement and award of contract procedures of the entity to which the Act applies
- (xvi) Perform procurement audits and submit such report to the National Assembly bi-annually.
- (xvii) Introduce, develop, update and maintain related database and technology.
- (xviii) Establish a single internet portal that shall, subject to section 16 (21) to the Act serve as a primary and definitive source of all information on government procurement containing displaying all public sector procurement information at all times; and.
- (xix) Co-ordinate relevant training programmes to build institutional capacity.

As can be seen, the functions of the Bureau of Public Procurement stated above are comprehensive. The Bureau is expected to

effectively perform these functions to ensure a transparent and fair procurement system. The Bureau is also granted powers under section 6 (1) – (2) of the Public Procurement Act, 2007 to:

- (i) Enforce the monetary and prior review thresholds set by the Council for the application of the provisions of the Act by the procuring entities .
- (ii) Issue Certificate of no Objection to Contract Award within the prior review threshold for all procurements within the purview of the Act.
- (iii) Stipulate from time to time to all procuring entities, the procedure and documentation pre-requisite for the issuance of Certificate of no Objection under the Act
- (iv) Cause to be inspected or reviewed any procurement transaction to ensure compliance with the provisions of the Act.
- (v) Review and determine whether any procuring entity has violated any provision of the Act.
- (vi) Debar any supplier contractor or service provider that contravenes an provision of the Act and regulations made pursuant to the Act.
- (vii) Maintain national database of Federal contractors and services provider and to the exclusion of all procuring entities prescribe classifications and categorization for the companies on the register.
- (viii) Maintain a list of firms and persons that have been debarred from participating in public procurement activity and publish them in the procurement journal
- (ix) Call for such information, documents, records and reports in respect of any aspect of any procurement proceeding where a breach, wrongdoing, default, mismanagement and or collision has been alleged, reported or proved against a procuring entity or service provider.
- (x) Recommend to the Council, where there are persistent or serious breaches of the Act or regulations or guidelines made under the Act for:
 - a. The suspension of the officers concerned with the procurement or disposal proceeding in issue.

- b. The replacement of the head or any of the members of the procuring or disposal unit of any entity or the Chairperson of the Tender Board as the case may be.
 - c. The discipline of the Accounting Officer of any procuring entity.
 - d. The temporary transfer of the procuring and disposal function of a procuring and disposing entity to a third party procurement agency or consultant.
 - e. Any other sanction that the Bureau may consider appropriate.
- (xi) Call for the production of books of accounts, plans document and examine persons or parties in connection with any procurement proceeding.
 - (xii) Act upon complaints in accordance with the procedures set out in the Act.
 - (xiii) Nullify the whole or any part of any procurement proceeding or award which is in contravention of the Act.
 - (xiv) Do such other things as are necessary for the efficient performance of its functions under the Act.
 - (xv) Enter into contract or partnership with any company firm or person which in its opinion will facilitate the discharge of its functions.
 - (xvi) Request for and obtain from any procurement entity information including report, memorandum and audited accounts, and other information relevant to its functions under the Act.
 - (xvii) Raise with relevant bodies or institutions nations and international for effective performance of its functions under the Act.

The powers of the Bureau of Public Procurement itemized above are elaborate under the Public Procurement Act, 2007. A closer look at the powers of the Bureau, however reveals that the Bureau has no prosecutorial powers in the event of criminal breach of the provisions of the Public Procurement Act, 2007. Section 53 (1) of the Act only grants power to the Bureau to make recommendation for criminal investigation to relevant authority, where such investigation is necessary to prevent or detect contravention of the Act. It is stated that lack of prosecutorial power on the part of the

Bureau is not enhancing effective enforcement of the lofty provisions of the Public Procurement Act, 2007 in the procurement system. Furthermore, it has been observed that since the Bureau of Public Procurement was inaugurated in 2009, corruption as reduced in the public procurement process, though there is still much room for improvement... (Premium Times (2014) cited by Aigheyisi and Edore, 2015). The observation that there is still much room for improvement is true because even with the presence of the Bureau of Public Procurement, corrupt practices are still being perpetrated today in the procurement process at all levels of government in Nigeria. It is the corrupt practices that informed the inclusion of basic principles that procurement must comply with in the Public Procurement Act, 2007.

(c) Fundamental Principles of Procurement

Section 16 of the Public Procurement Act, 2007 sets out basic principles to guide public procurement. These principles include:

- (i) All public procurements shall be done based on procurement plans supported by a prior budgetary appropriation.
- (ii) No procurement proceedings shall be formalized or conducted, unless the procuring entity has ensured availability of funds to meet the procurement; and the Bureau has issued a Certificate of no Objection to Contract after open competitive bidding done in a manner to ensure transparency, timeliness, accountability and equity.

Certificate of no Objection to Contract Award as explained under section 60 of the Public Procurement Act, 2007 affords evidence that due processes have been followed in the conduct of procurement proceedings. It allows the procuring entity to enter into contract and effect payments to the contractors from the Treasury. Thus, any contract purportedly awarded without a Certificate of no Objection to Contract Award is rendered null and void by section 16 (4) of the Act. The obvious fact to note is that the Public Procurement Act, 2007 has streamlined procurement proceedings to be conducted on the bases of the basic principles of transparency, timeliness, equity and accountability. Other principles include achieving value for money, competition, economy and efficiency.

(d) Procurement Planning

Planning is another innovation introduced by the Public Procurement Act, 2007 to make for a well coordinated procurement proceeding in Nigeria. According to section 18 of the Act, a procuring entity is to engage in procurement in line with a well laid out plan which shows:

- (i) Needs assessment and evaluation
- (ii) Identification of goods, works or services required.
- (iii) Statistical survey
- (iv) Cost implication of the proposed procurement.

The requirement of procurement plan is uniquely useful. It is to prevent indulgences in wasteful procurement of projects that are only elephantine, money-consuming and useless to the citizenry.

(e) Procurement Methods

Section 24 of the Act significantly provides for open competitive procurement method that is competitive bidding where every interested bidder is given equal information and opportunity to offer goods and services required. Interestingly, section 34 (3) of the Act grants preference to domestic bidders under international competitive bidding. This allows for development of local bidders in the process of public procurement. It also develops local contents in the public procurement system.

(f) Procurement Implementation

Procurements under section 19 of the Act are to be implemented or carried out after:

- (i) Advertising and soliciting for bids in accordance with the Act.
- (ii) Making two credible persons representing the private sector professional organization to act as observers in every procurement process.
- (iii) Obtaining Certificate of no Objection to Contract Award before making award of contract.

OBSERVANCE AND ENFORCEMENT OF THE PUBLIC PROCUREMENT ACT, 2007

It is obvious that the Public Procurement Act, 2007 contains adequate provisions for effective regulation of public procurement in Nigeria. Regrettably, corrupt practices in the line of public procurement are still prevalent in the country, as if the Act is not in existence. In fact, the Act in

section 58 (4) (a)-(h) and (5) thereof clearly criminalizes corrupt practices. Hence, it is an offence to conduct or attempt to conduct procurement by fraudulent and corrupt acts, unlawful influence, undue interest, favour, agreement, bribery and corruption. (Section 58 (4) (b) of the Public Procurement Act, 2007). As observed by OECD, “public procurement is one of the government activities most vulnerable to corruption” outlawed by the Public Procurement Act, 2007. Bribery which is a sister to corruption is also rife in the procurement system. In *Biobaku v. Police* (1958), Bairaman, J. held that corrupt practice of bribery:

Is the mischief aimed at by section 98 of the Criminal Code which is the receiving or offering of some benefit, reward or inducement to sway or deflect a person employed in the public service from the honest and impartial discharge of his duties.

Corrupt practices which range from award of fake contracts to ghost companies, inflation of cost of contract, procurement of sub-standard materials, non-use of procurement professionals, embezzlement of 15% mobilization funds and abandonment of contract works are becoming the order of the day in the procurement system because of the low observance, ineffective implementation and enforcement of the Public Procurement Act, 2007. Procurement offences occur regularly but prosecution of offenders are not done also on a regular basis. In result, the Public Procurement Act is not appreciably enforced; leading to a near failed procurement system.

FINDINGS

The findings of this paper include:

- (i) The Public Procurement Act, 2007 exists with adequate provisions to regulate the procurement system in Nigeria.
- (ii) Corrupt practices constitute a set-back, making the procurement system not to achieve value for money, resulting in inadequate development of socio-economic infrastructure in the country. Corrupt practices are rife due to low observance, ineffective implementation and enforcement of the Public Procurement Act, 2007.
- (iii) There is non-constitution of the National Council on Procurement. This leads to the absence of an important link which would have collaborated with the Bureau of Public

Procurement to ensure transparency and accountability in the Public Procurement system.

- (iv) The Bureau of Public Procurement is not granted prosecutorial powers under the Public Procurement Act, 2007.

RECOMMENDATIONS

It is recommended as follows:

The Bureau of Public Procurement should be granted prosecutorial powers in addition to its investigative powers so that it can embark on direct and effective enforcement of the Public Procurement Act, 2007. The prosecutorial powers would cause the Bureau to be more proactive in detecting and preventing procurement crimes; and bring offenders to book where necessary. The National Council on Procurement should be constituted to work collaboratively with the Bureau of Public Procurement to restore transparency and accountability in the procurement system.

CONCLUSION

The Public Procurement Act, 2007 is seen to contain innovative provisions aimed at ensuring transparency, accountability and probity, including realization of value for money in the procurement process in Nigeria. Corrupt practices; however have caused the aim of the Act to be almost defeated. These practices are widespread in the procurement system because of low observance, ineffective implementation and enforcement of the Act. It is expected that the regulatory bodies, procuring entities and all stakeholders in the procurement system would adequately comply with the Public Procurement Act, 2007 to ensure socio-economic development of the country.

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